

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
(at Knoxville)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Action No. 3: 13-10-DCR
)	
V.)	
)	
CLIFFORD LEON HOUSTON,)	MEMORANDUM ORDER
)	
Defendant.)	

*** **

This matter is pending for consideration of Defendant Clifford Leon Houston’s motion to exclude or sequester United States Attorney William C. Killian, Assistant United States Attorney (“AUSA”) David C. Jennings, and staff pursuant to Rule 615 of the Federal Rules of Evidence, as well his motion to dismiss the Superseding Indictment. [Record No. 234, 235]

Concerning the defendant’s motion to sequester, Rule 615 is not applicable to U.S. Attorney Killian, AUSA Jennings, or the United States. Attorneys’ staff. *See* Fed. R. Evid. 615. Additionally, the defendant’s basis for his motion consists of unsubstantiated allegations against members of the United States Attorneys’ office of manufacturing and destroying evidence against the defendant. [Record No. 234] In short, his motion to exclude or sequester is without merit.

The defendant’s motion to dismiss the Superseding Indictment fares no better. Again, relying on unsubstantiated and conclusory allegations that certain law enforcement officers and government officials conspired to manufacture, tamper, and destroy evidence, the defendant

contends that dismissal of the Superseding Indictment is necessary pursuant to 18 U.S.C. § 2234. [Record No. 235] Section 2234 provides a criminal penalty for any person who, “in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity,” and is not a basis for dismissing the Superseding Indictment. 18 U.S.C. § 2234. Moreover, the defendant’s motion is untimely. *See* Fed. R. Crim. P. 12(c) & (e). Accordingly, it is hereby

ORDERED as follows:

1. Defendant Clifford Leon Houston’s Motion to Exclude or Sequester [Record No. 234] is **DENIED**.

2. Defendant Clifford Leon Houston’s Motion to Dismiss the Superseding Indictment [Record No. 235] is **DENIED**. The defendant’s request that the Court report his unsubstantiated allegations of federal crimes is **DENIED**.

This 31st day of October, 2013.



Signed By:

Danny C. Reeves DCR

United States District Judge